

CAPTAIN OF THE PORT, SAN FRANCISCO BAY ADVISORY 01-96

Subj: REPORTING POLICY FOR VESSELS WITH A HAZARDOUS
CONDITION OR HAZARDOUS VESSEL OPERATING CON-
DITION.

1. **PURPOSE:** This advisory outlines the reporting requirements for vessels experiencing a hazardous condition or hazardous vessel operating condition while in, entering or departing the Captain of the Port San Francisco Bay Zone (33 CFR 3.55-20). This advisory further describes vessel control measures available to the Captain of the Port when a vessel in the San Francisco Bay zone is experiencing a hazardous (vessel operating) condition.

2. **DISCUSSION:** Title 33 Code of Federal Regulations addresses the reporting requirements for vessels with a “hazardous condition” (33 CFR 160.215) or “hazardous vessel operating condition” (33 CFR 161.12(c)(8)). These regulations essentially state that the owner, agent, master, operator or person in charge shall immediately notify the Captain of the Port when any condition exists that may adversely affect the safety of any vessel or U.S. port in which it is operating. Enclosure (1) provides the definitions of “hazardous condition” and “hazardous vessel operating condition” contained in 33 CFR 160.203 and 33 CFR 161.2. Once the COTP receives a report, operating restrictions may be placed on the vessel. Under the Ports and Waterways Safety Act the Captain of the Port has broad authority to control the movement of vessels to ensure safety to life, property and the environment. Specific Ports and Waterways safety regulations addressing vessel movement control measures are contained in 33 CFR 160 Subpart B. Under COTP supervision the Commanding Officer, Vessel Traffic Service (VTS) San Francisco is delegated the authority to discharge COTP duties that involve directing the operation, movement and anchorage of vessels in the VTS operating area.

In addition to the above regulations, 33 CFR 164.53 requires the person directing the movement of the vessel to report as soon as possible if the vessel’s radar, radio navigation receivers, gyrocompass, echo depth sounding device or primary steering gear stops operating properly. Under 33 CFR 164.55, the COTP has the

authority to allow a vessel to deviate from Navigation Safety Regulations (33 CFR 164) for a specified period of time. A COTP "Letter of Deviation" may be issued for vessels desiring to enter, depart or transit within the port with inoperable navigation equipment listed in 33 CFR 164.53. A "Letter of Deviation" may also be issued for a deviation of regulations authorized under 33 CFR 164.55. This issuance of a "Letter of Deviation" is not automatic. It is issued on a case-by-case basis using the information provided by the ship.

The COTP shall be notified immediately when any required navigation equipment is inoperable and when any hazardous (vessel operating) condition exists on board a vessel. Upon notification, the COTP shall determine under what conditions, if any, the vessel may enter, depart or operate in the San Francisco Bay or Humboldt Bay areas. Depending on circumstances, the COTP may place operational restrictions on a vessel such as requiring tug assist, visibility minimums, daylight transits and limited routes.

3. REQUIREMENTS: The following information shall be submitted when reporting a hazardous condition, hazardous vessel operating condition or when requesting a Letter of Deviation. The initial reporting of a hazardous condition or hazardous vessel operating condition shall not be delayed due to the lack of detailed information. Following up with accurate, specific, detailed and timely information will assist in ensuring a timely COTP response.

- a) A list of the inoperable navigation equipment that results in non-compliance with the regulations contained in 33 CFR 164.
- b) A detailed description of the loss of propulsion, steering or power, structural damage or any other problem(s) creating a hazardous condition or hazardous vessel operating condition.
- c) A description of how the vessel is operating under the hazardous (vessel operating) condition.
- d) A detailed plan to rectify the situation and an estimate of the time to execute the plan.
- e) An arrival and departure schedule for the vessel and a primary point-of-contact.

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This information shall be given in writing to the COTP at least 24-hours before the vessel's arrival into San Francisco or Humboldt Bays. If a failure occurs while entering, departing or operating within San Francisco Bay the master or pilot shall immediately notify Vessel Traffic Service San Francisco of the situation and provide the intended course of action, if any. VTS San Francisco will, in turn, notify the COTP. If the situation warrants, arrangements will be made for a COTP representative to contact the vessel directly.

4. Failure to Notify the COTP of a hazardous condition, hazardous operating condition or inoperable navigation equipment could result in civil penalty action as authorized by the Ports and Waterways Safety Act, 33 USC 1221 et. seq. A civil penalty of up to \$25,000 for each violation is authorized, with each day of a continuing violation constituting a separate violation.

5. Reporting information and requests for Letters of Deviation may be faxed to the Command Duty Officer, Marine Safety Office San Francisco Bay at (510) 431-3072. Address questions to me in writing or directly through the Port Operations Department at (510) 437-3073.

DEFINITION OF HAZARDOUS CONDITION (33 CFR 160.203)

AND

HAZARDOUS VESSEL OPERATING CONDITION (33 CFR 161.2)

Hazardous condition means any condition that may adversely affect (1) the safety of any vessel, bridge, structure, or shore area or (2) the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage injury or illness of a person aboard, or manning shortage.

Hazardous vessel operating condition means any condition related to a vessel's ability to safely navigate or maneuver, and includes, but is not limited to: (1) The absence or malfunction of vessel operating equipment such as propulsion machinery, steering gear, radar system, gyrocompass, depth sounding device, automatic radar plotting aid (ARPA), radiotelephone, automated dependent surveillance equipment, navigational lighting, sound signaling devices or similar equipment. (2) Any condition on board the vessel likely to impair navigation, such as lack of current nautical charts and publications, personnel shortage, or similar condition. (3) Vessel characteristics that affect or restrict maneuverability, such as cargo arrangement, trim, loaded condition, underkeel clearance, speed, or similar characteristics.